

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

ROBERT MURRAY, On Behalf of Himself)	No. 4:18-cv-00202-JM
and All Others Similarly Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	ORDER AWARDING ATTORNEYS' FEES,
vs.)	LITIGATION EXPENSES, AND AWARD
)	TO LEAD PLAINTIFF PURSUANT TO 15
EARTHLINK HOLDINGS CORP., et al.)	U.S.C. §78u-4(a)(4)
)	
Defendants.)	

This matter having come before the Court on February 6, 2025, on the motion of Plaintiffs' Counsel for an award of attorneys' fees, payment of litigation expenses, and award to Lead Plaintiff (the "Fee Motion") (ECF 191), the Court, having considered all papers filed and proceedings conducted herein, having found the Settlement of this Action to be fair, reasonable and adequate, and otherwise being fully informed of the premises and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Order incorporates by reference the definitions in the Stipulation of Settlement dated September 4, 2024, ECF 182 (the "Stipulation"), and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Stipulation.

2. This Court has jurisdiction to enter this Order and over the subject matter of the Action, as well as personal jurisdiction over all parties to the Action, including each of the Settlement Class Members.

3. Notice of the Fee Motion was given to all Settlement Class Members who could be located with reasonable effort. The form and method of notifying the Settlement Class of the Fee Motion met the requirements of Rule 23 of the Federal Rules of Civil Procedure, the Private Securities Litigation Reform Act of 1995, due process, and any other applicable law, constituted the best notice practicable under the circumstances, and constituted due, adequate, and sufficient notice to all Persons entitled thereto.

4. Lead Counsel is hereby awarded attorneys' fees of 32% of the Settlement Amount, plus interest at the same rate earned by the Settlement Fund, and payment of expenses in the amount of \$636,422.45, plus accrued interest, which sums the Court finds to be fair and reasonable.

5. Lead Plaintiff Robert Murray is awarded \$20,000 from the Settlement Fund, pursuant to 15 U.S.C. §78u-4(a)(4), related to his representation of the Settlement Class.

6. The award of attorneys' fees and expenses shall be paid to Lead Counsel from the Settlement Fund immediately upon entry of this Order, subject to the terms, conditions, and obligations of the Stipulation, which terms, conditions, and obligations are incorporated herein.

7. In making this award of attorneys' fees and expenses to be paid from the Settlement Fund, the Court has analyzed the factors considered within the Eighth Circuit and found that:

(a) The Settlement has created a fund of \$85,000,000 in cash, pursuant to the terms of the Stipulation, and Settlement Class Members will benefit from the Settlement created by the efforts of Plaintiffs' Counsel;

(b) The fee sought by Plaintiffs' Counsel has been reviewed and approved as reasonable by the Lead Plaintiff, who was directly involved in the prosecution and resolution of the Action and who has substantial interest in ensuring that any fees paid to counsel are duly earned and not excessive;

(c) The amount of attorneys' fees awarded hereby are fair and reasonable and are consistent with fee awards approved in cases within the Eighth Circuit with similar recoveries;

(d) Plaintiffs' Counsel have conducted the Action and achieved the Settlement with skill, perseverance, and diligent advocacy;

(e) Plaintiffs' Counsel expended substantial time and effort pursuing the Action on behalf of the Settlement Class;

(f) Plaintiffs' Counsel pursued the Action on a contingent basis;

(g) The claims against the Defendants involve complex factual and legal issues and, in the absence of settlement, would involve lengthy proceedings whose resolution would be uncertain;

(h) The efforts of Plaintiffs' Counsel resulted in an all-cash settlement at a stage in the proceedings that will permit Settlement Class Members to benefit from the recovery without further delay or expense; and

(i) Over 94,000 copies of the Notice were mailed to potential Settlement Class Members and nominees indicating that Lead Counsel would apply for attorneys' fees in an amount not to exceed 32% of the Settlement Amount and expenses in an amount not to exceed \$950,000, plus interest on such fees and expenses, and no objections to the fees or expenses were filed by Settlement Class Members.

8. Any appeal or any challenge affecting this Court's approval regarding the Fee Motion shall in no way disturb or affect the finality of the Judgment.

9. In the event that the Settlement is terminated or the Effective Date of the Settlement otherwise fails to occur, this Order shall be rendered null and void to the extent provided by the Stipulation.

IT IS SO ORDERED this 6th day of February, 2025.



THE HONORABLE JAMES M. MOODY JR.
UNITED STATES DISTRICT JUDGE